

CJ-2017-1753 Parrish



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

XUAN NGUYEN,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

MAR 24 2017

RICK WARREN
COURT CLERK

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Case No.:

CJ-2017-1753

PETITION

COMES NOW the Plaintiff, Xuan Nguyen (hereinafter referred to as "Plaintiff Nguyen") by and through his attorney of record, Daniel M. Delluomo, and for his cause of action over and against the Defendant, Allstate Insurance Company (hereinafter referred to as "Allstate") alleges and states as follows:

JURISDICTION

1. Plaintiff Nguyen is a resident of Oklahoma County, State of Oklahoma.
2. Defendant Allstate is a foreign insurance company doing business in the State of Oklahoma.
3. Plaintiff Nguyen is an insured individual under a policy with Defendant Allstate, said policy provides homeowner's insurance coverage to the Plaintiff.
4. That on or about March 25, 2015 Plaintiff Nguyen's home was damaged by a storm.
5. Plaintiff Nguyen made a claim for damages and the claim was denied by Defendant Allstate.
6. Plaintiff Nguyen has been damaged by Defendant Allstate's actions.



COUNT I

BREACH OF CONTRACT

Plaintiff re-alleges and readopts all allegations above and pleads additionally as follows:

7. Defendant Allstate owed a contractual duty to:
 - a) Pay for damages to Plaintiff Nguyen's home.
 - b) Pay Plaintiff Nguyen overhead and profit since he had three different trades of damages.
 - c) Pay for labor and materials to repair Plaintiff Nguyen's home.
8. Defendant Allstate has refused to pay for the items listed above.
9. Defendant Allstate is in breach of contract.

COUNT II


BAD FAITH BREACH OF CONTRACT

Plaintiff re-alleges and readopts all allegations above and pleads additionally as follows:

10. Defendant Allstate owed Plaintiff Nguyen a duty to deal in good faith.
11. Defendant breached the duty owed and was acting in bad faith by:
 - a) Not paying the claim.
 - b) Not properly adjusting the claim.
 - c) Not paying overhead and profit.
12. Defendant failed to properly investigate Plaintiff Nguyen's claim.

WHEREFORE, premises considered, Plaintiff Nguyen prays for judgement against Defendant Allstate in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00), plus costs, attorney fees and such other relief as this Court deems just and proper.

Respectfully submitted,


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ATTORNEYS LIEN CLAIMED
JURY TRIAL DEMANDED